

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. GUNTER,)	
)	4:05cv3223
Petitioner,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on filing nos. 29 and 30, the Supplemental Brief and Affidavit filed by the petitioner, William C. Gunter, in response to my Memorandum and Order of June 19, 2006 (filing no. 26). In filing no. 26, I stated that the remaining issue before the court at this time is whether the petitioner's psychotropic medication so affected his mental capacity between August 7, 2002 and August 7, 2003, as to prevent the petitioner from filing either a postconviction action or a § 2254 petition between those dates. Therefore, I invited the petitioner to file a detailed pleading or brief on the issue of equitable tolling for the period of August 7, 2002 to August 7, 2003, based on the effects of the psychotropic medication he was taking during that period.

Accordingly, the petitioner submitted filing nos. 29 and 30. The respondent shall have until September 29, 2006 to respond.

SO ORDERED.

DATED this 19th day of September, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge